

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re	:	Chapter 11
DELPHI CORPORATION, <u>et al.</u> ,	:	Case No. 05-44481 (RDD)
	:	(Jointly Administered)
Debtors.	:	

RESPONSE OF WILLIAM E. CROSS TO NOTICE OF
OBJECTION TO CLAIM

William E. Cross (“Cross”), acting pro se, hereby responds to DPH Holdings Corp., et al.’s (collectively, the “Reorganized Debtors”) notice of objection to his claim as follows:

<u>Date Filed</u>	<u>Claim Number</u>	<u>Claim Type</u>	<u>Asserted Claim Amount</u>
7/14/09	18614	Pension, Benefit, And OPEB Claims	Undetermined

Previous to these proceedings, Cross brought a wrongful discharge and age discrimination lawsuit against Delphi Corporation and General Motors captioned William E. Cross v. General Motors Corporation, U.S.D.C., N.D. Ohio, Case No.:4:98 CV 0117. The above captioned case was resolved by agreement of the parties in March of 1999, and a Settlement Agreement was thereafter entered into by the parties, pursuant to which GM/Delphi contractually agreed to provide Cross and his wife with ongoing retirement, pension and OPEB claims and benefits. A copy of the Settlement Agreement is attached hereto and incorporated herein by reference. Pursuant to the Settlement Agreement, Cross’ retirement, pension and OPEB claims and benefits are “contractual” and “vested” and hence non-dischargeable and required to be continued notwithstanding a Delphi/GM bankruptcy reorganization pursuant to previous Order of this court. Accordingly the Reorganized Debtors objection to Cross’ claim is not well taken and should be overruled.

Respectfully submitted,

William E. Cross

William E. Cross, Pro se
104 SW 28th Street
Oak Island, NC 28465

CERTIFICATE OF SERVICE

A copy of the foregoing was sent by regular U.S. Mail postage prepaid this 5th day of November 2009 to DPH Holdings Corp., 5725 Delphi Drive, Troy, Michigan, 48098 (Att'n. President), and to counsel for the Reorganized Debtors, c/o Skadden, Arps, Slate, Meagher & Flom, LLP, 155 North Wacker Drive, Chicago, Illinois 60606 (Att'n John Wm. Butler, Jr., John K. Lyons, Joseph N. Wharton and by fax transmission to Albert L. Hogan, III at 312-407-8572).

William E. Cross

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